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FEDERAL ELECTION  
COMMISSION

2010 SEP 16 PM 4:47

OFFICE OF GENERAL  
COUNSEL

COPY

MUR # 6376

**SENSITIVE**

September 14, 2010

Mr. Christopher Hughey  
Acting General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

2010 SEP 17 A 11:40  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

Re: Lori Edwards, Lori Edwards Campaign Committee and the Office of The Polk County Supervisor of Elections

Dear Mr. Hughey:

Pursuant to 2 USC § 437g(a)(1) and 11 CFR § 111.4, please accept this letter as a Complaint against Lori Edwards ("Edwards"), Lori Edwards Campaign Committee ("the Committee,"), and the Office of The Polk County Supervisor of Elections for operating in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("FEC" or "Commission") regulations.

**I. Issues**

1. Did a candidate for United Congress accept a \$14,500.00 contribution from incorporated Polk County, Florida, in violation of 11 CFR 114.2?
2. Did a candidate for United State Congress fail to report a \$14,500.00 in-kind contribution from the Office of The Polk County Supervisor of Elections, in violation of 11 CFR § 109.21?

**II. Facts**

Lori Edwards Campaign Committee is the authorized principal campaign committee for Lori Edwards, a candidate for Florida's 12<sup>th</sup> Congressional District. Edwards filed an FEC Form 2 Statement of Candidacy on March 2, 2009. The Committee filed an FEC Form 1 Statement of Organization on March 2, 2009, for the 2009-2010 election cycle.

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Edwards maintains a campaign website ([www.edwards2010.com](http://www.edwards2010.com)) and Facebook page ([www.facebook.com/pages/Lori-Edwards-for-Congress/308370053412](http://www.facebook.com/pages/Lori-Edwards-for-Congress/308370053412)). See Exhibit 1. She has received endorsements from major media outlets such as the *Orlando Sentinel*, *Tampa Tribune*, and the *St. Petersburg Times*. See Exhibit 2. Through August 4, 2010, Edwards has reported \$345,974.97 in campaign contributions. See Exhibit 3.

In addition to campaigning for Federal office, Edwards serves as the Polk County Supervisor of Elections. See Exhibit 4. The vast majority of Polk County is included in Florida's 12<sup>th</sup> Congressional District. Polk County is incorporated under Florida state law. See Exhibit 5.

According to an August 18, 2010, article posted on NewsChief.com, Edwards appeared in a series of television and radio advertisements prior to Florida's August 24<sup>th</sup> primary election. The advertisements, sponsored by the Office of The Polk County Supervisor of Elections, began running on August 11, 2010, thirteen days prior to Florida's primary election. Edwards stated that the advertisements were "designed solely to educate Polk County citizens of their voting options, and that [Edward's] office [had] been running such ads during every election cycle since 2002." "I'm required to help educate voters and let them know every opportunity they have to cast ballots," Edwards said. "That's my job." "When asked if that job necessitated that she appear in the ads in question, Edwards said, "Not specifically." See Exhibit 6.

The Office of The Polk County Supervisor of Elections spent \$14,500.00 on the advertisements according to an August 17, 2010 article posted on the *St. Petersburg Times* blog, [tampabay.com](http://tampabay.com). See Exhibit 7. The television advertisement that features Edwards is available at <http://www.newschief.com/ledwardsad>. The script of the television advertisement is as follows:

"I'm Lori Edwards, Supervisor of Elections. Florida's state-wide primary election is coming up on August 24<sup>th</sup> and there are some important races to be decided. All precincts are open from 7:00am to 7:00pm on Election Day. Now, if you think you might be too busy to vote on Election Day, you can cast your ballot at one of our convenient early voting centers. Just stop by between 9:00 and 5:00 Monday through Saturday and cast your vote early. If you don't vote, they can't hear you."

The advertisement is thirty-one seconds in length. Edwards appears prominently in a bright red dress set against a blue backdrop for eleven seconds. Her voice is clearly audible for twenty-seven seconds. The lettering for Edwards's name and title is significantly displayed next to her figure. Relevant voting information appears underneath the information identifying Edwards. Her name is generously proportioned and brighter than any words appearing throughout the commercial.

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### III. Legal Authority

#### A. Payments for coordinated communications must be reported.

"A payment for a coordinated communication is made for the purpose of influencing a Federal election." 11 CFR § 109.21(b)(1). The payment is considered an in-kind contribution to the candidate, authorized committee, or political party committee with whom or which it was coordinated and must be reported. 11 CFR § 109.21(b)(1).

A communication is coordinated if it satisfies three criteria. 11 CFR § 109.21(a). *First*, a coordinated communication must be paid for, in whole or in part, by a person other than the candidate, an authorized committee or political party committee. 11 CFR § 109.21(a)(1). *Second*, the content of the message must amount to an electioneering communication under 11 CFR § 100.29. 11 CFR § 109.21(a)(2) & (c)(1).

"Electioneering communication" is defined, among other things, as any broadcast, cable or satellite communication that refers to a clearly identified candidate for Federal office, is publicly distributed within 30 days before a primary and is targeted to the relevant electorate. 11 CFR § 100.29. *Third*, the conduct between the person paying for the communication and the candidate, the candidate's authorized committee or political party committee must reveal the following:

- 1) "The communication is created, produced, or distributed at the request or suggestion of a candidate, authorized committee, or political party committee." 11 CFR § 109.21(d)(1).

Or

- 2) The candidate, authorized committee or political party is materially involved in decisions regarding the content, intended audience, the means or mode, the specific media outlet used, the timing or frequency, or the duration of the communication.

#### B. Corporate contributions are prohibited.

Federal Election Commission regulations strictly prohibit corporations "from making a contribution...in connection with any Federal election." 11 CFR 114.2(b)(1).

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#### IV. Analysis

**A. Edwards's advertisements are coordinated communications because of the payment, content and conduct involved in their creation and transmission.**

The television and radio advertisements were paid for by the Office of The Polk County Supervisor of Elections, not Edwards, her authorized committee or a political party committee. As a result, the payment prong of the coordinated communications test is satisfied. The advertisements also satisfy the content prong of the coordinated communications test. Edwards has been a clearly identifiable candidate for federal office since March 2, 2009. She has raised approximately \$350,000.00 in contributions, maintains multiple campaign websites and has been endorsed by several major media outlets. The advertisements began airing thirteen days before her Congressional primary. Further, the voters of Polk County, who encompass most of Florida's 12th Congressional District, were the targeted audience.

The conduct between Edwards and the Office of The Polk County Supervisor of Elections establishes the advertisements as coordinated communications in two respects. First, Edwards admittedly directed the production and distribution of the advertisements under the guise of her responsibilities as Supervisor of Elections ("That's my job."). Second, she was materially involved in the creation, content, size, mode, distribution and timing of the advertisements. Edwards's image and title appear more prominently than information meant to "educate voters". Her unnecessary appearance in the television advertisements also demonstrates further material involvement.

Edwards defended her actions by stating, "I'm required to help educate voters and let them know every opportunity they have to cast ballots." However, her admission that she was not required to appear in the television advertisements reveals that she unnecessarily went beyond the scope of her duties at the expense of taxpayers. Edwards is clearly the feature of the advertisements. As such, they are coordinated communications.

**B. Neither Edwards, her authorized committee or political party committee reported the \$14,500.00 contribution.**

As discussed, the advertisements are plainly coordinated communications. Coordinated communications must be reported as in-kind contributions to the candidate, authorized committee or political party committee they benefit. Yet, these expenditures are found nowhere on the Committee's reports with the FEC.

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**C. Edwards, her authorized committee and political party committee are prohibited from accepting corporate contributions per FEC regulations.**

Polk County, Florida, an incorporated entity, donated \$14,500.00 for the creation and transmission of Edwards's advertisements. Edwards, her authorized committee and political party committee are prohibited from accepting such contributions.

**V. Conclusion**

Edwards's decision to prominently appear in the aforementioned advertisements was aggressive, ill-timed and unnecessary. These coordinated communications were intended to promote Edwards's campaign over and above the education of voters. The unlawful appropriation of government funds for political advertising violates non-consenting taxpayers and is discouraging to candidates who are raising money through legitimate channels. Moreover, the communications project an appearance of impropriety given her position as Supervisor of Elections, and considerable visibility as a candidate for United States Congress. Edwards, her authorized campaign committee and the Office of The Polk County Supervisor of Elections violated FEC regulations by accepting \$14,500.00 from Polk County, Florida, a corporate entity, and for failing to report the same as an in-kind contribution.

**VI. Certification**

Upon information, belief, and the facts relayed herein, Lori Edwards, the Lori Edwards Campaign Committee, and the Office of The Polk County Supervisor of Elections have violated the Federal Election Campaign Act of 1971, as amended, and Federal Election Commission Regulations. We request that the Commission conduct an immediate investigation into the violations outlined above and impose the maximum penalty under law.

The foregoing is correct and accurate to the best of my knowledge, information, and belief.

Respectfully Submitted,



Charles A. Flint, II  
Attorney of Record  
Dennis Ross for Congress (Fl-12)  
P.O. Box 7310  
Lakeland, FL 33807-7310  
(863) 644-7107  
Florida Bar Number: 37472

11044292338

# Certificate of Oath

**State of Florida**  
**County of Polk**

I hereby certify that Charles A. Flint, II personally appeared before me on this  
14<sup>TH</sup> day of SEPTEMBER, 2010, to sign the original Certificate of Oath and is either  
personally known to me or produced \_\_\_\_\_ as identification.

Signed and Sworn to before me this 14<sup>TH</sup> day of SEPTEMBER, 2010.

Steele

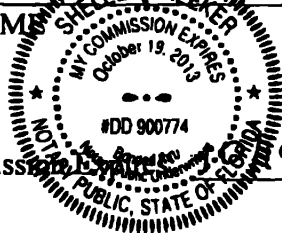
**NOTARY PUBLIC**

STEELE M. MAYER

**PRINT NAME**

(SEAL)

My Commission Expires 9/2013



Email Address

Zip Code

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## Welcome

Florida's 12<sup>th</sup> Congressional district stretches across the heart of Central Florida, including portions of Polk, Hillsborough and Osceola Counties.

For the past 17 years I've tried to do my part to better the lives of everyday people in our communities, first as a state legislator, and now as Polk County Supervisor of Elections. I believe in working across party lines to get the job done right, no matter who ends up getting the credit. Today, I'm asking for your support as a candidate for Congress.

I want to go to congress to represent *all* the resident of the 12th District, and to help bring back jobs and opportunity to Central Florida.

In the coming weeks and months, I invite you to check back often. Today, I hope you'll consider signing up to get our updates, or to join the campaign by volunteering or investing in our effort.

I look forward to seeing you on the campaign trail!

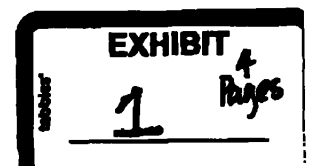
*Lori Edwards*

Email this page

## Get Involved

- Volunteer

<http://www.edwards2010.com/>



- Tell a Friend
- Attend an Event
- Contribute

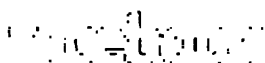
Paid for by Lori Edwards Campaign Committee.

PO Box 280 | Eagle Lake, FL 33839 | phone: (863) 666-0898 | email: [info@edwards2010.com](mailto:info@edwards2010.com)

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Email  Password

☒ Keep me logged in ☐ Forget your password?

**Sign Up**

**Lori Edwards for Congress is on Facebook**

Sign up for Facebook to connect with Lori Edwards for Congress.



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Lori is running for Congress because FL-12 needs a Representative who understands the challenges regular families face

<http://www.lori412.com>

#### Information

Country

United States

Currently Running For

Office

U.S. Congress

State

Florida

District

12

Party

Democrat

Current Office

Job

Supervisor of Elections

City

Florida

District

Polk County

Party

Non partisan

#### 51 People Like This



Tyler  
Hartman



Cheryl  
Hartman



Rocky Platt  
Hartman



Sherry  
Hartman



Brett  
Hartman



Kelli  
DeGarmo

Links

1 link

See All

Welcome | Lori Edwards for Congress  
12:55pm Feb 14

Create a Page

Report Page

Lori Edwards for Congress

Like

Wall Info Photos Events Links Notes

Lori Edwards for Congress + Others Lori Edwards for Congress Just Others



Lori Edwards for Congress <http://www.edwards2010.com/>

Welcome | Lori Edwards for Congress

[www.edwards2010.com](http://www.edwards2010.com)

Florida's 12th Congressional district stretches across the heart of central Florida, including portions of Polk, Hillsborough and Osceola Counties.

February 14 at 12:58pm · Comment · Like

Brett Uptagrove and Wendy Wise Hull like this.

11044292343

Email Address

Zip Code

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## Orlando Sentinel Endorses Lori Edwards

Wednesday, July 21, 2010  
Orlando Sentinel

### 12th District

Incumbent Adam Putnam's decision to give up the seat to run for agriculture commissioner has encouraged would-be successors in both parties in this district, which includes parts of Polk, Osceola and Hillsborough counties.

Among Democrats, Polk County Elections Supervisor Lori Edwards expresses moderate positions on most issues. She recognizes the need to do more to contain health-care costs, and says Congress must control spending.

Her opponent, Navy veteran Doug Tudor of Riverview, is a self-styled progressive who says he would put off spending cuts — with the exception of cutting off funding for U.S. wars in Iraq and Afghanistan.

We endorse Lori Edwards.  
[Email this page](#)

### Get Involved

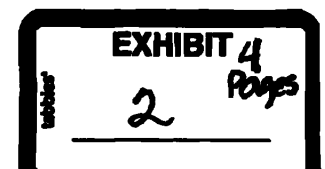
- [Volunteer](#)
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<http://www.edwards2010.com/news/orlando-sentinel-endorses-lori-edwards>



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## Tampa Tribune Endorses Lori Edwards

Saturday, August 07, 2010

Tampa Tribune

District 12

The candidates from both major political parties seek to replace popular Republican Congressman Adam Putnam of Bartow, who is running for state commissioner of Agriculture and Consumer Services.

District 12 stretches from east Hillsborough through most of Polk County and into Osceola. In the November election, the winners of the Aug. 24 primary will also face Polk County commissioner Randy Wilkinson, the tea party candidate, whose participation complicates predictions of who will win in this largely conservative district.

Democrats are fortunate to have two excellent candidates: Polk County's elections supervisor, Lori Edwards, 53, and Doug Tudor of Riverview. Tudor, 47, retired from the Navy as a master chief petty officer in 2008. He now works for a defense firm.

Both candidates are knowledgeable and friendly, but Tudor's more liberal political positions are not an easy fit in this predominately rural and agricultural swath of Florida. Our choice is the more centrist Edwards.

She moved to Polk County in 1982 and spent her early career as a news and radio reporter. Her interest in all things political, particularly the development of public policy, led her to run for the state House in 1992. She served four terms before her election to the supervisor's post in 2000. She is known for having run an efficient, kindly office.

Edwards says she's running for higher office primarily to "bring to Washington the strong voice of regular middle-class people."

She says she understands the struggles many of her constituents are undergoing.

She supported passage of President Obama's health care reform "because we can't afford not to do something," but she questions whether the legislation really addresses containing the cost of care.

Edwards believes the country's security is important but looks for an orderly withdrawal from Afghanistan.

She would look toward alternative energy sources, saying the country's consumption of oil is not sustainable. She opposes offshore drilling.

She is reticent about raising taxes, understanding that local small business people are feeling the pinch. She says many federal regulations are archaic, duplicative and conflicting.

Edwards believes agriculture is a large part of the character of a changing district that she does not want to see lost, not only for its citrus and cattle production but also as a component of growth management.

In the Democratic primary for U.S. House District 12, the Tribune endorses **Lori Edwards**

Email this page

## Get Involved

- Volunteer
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- Contribute

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Email Address

Zip Code

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## St. Petersburg Times Endorses Lori Edwards

Monday, August 02, 2010

**Lori Edwards**

**District 12, Democrats**

Both candidates in this primary have a knack for politics and a solid grip on the right priorities. Lori Edwards' experience better prepares her for the job, and she is more attuned than her opponent to the district.

Edwards, 53, represented east Polk County in the Florida House from 1992 to 2000. Her moderate views fit the conservative county, where she has served as elections supervisor since 2000. Edwards and her opponent, Doug Tudor, broadly agree on the basics. They both would seek to bring federal spending under control, work to curb illegal immigration and push to permanently ban oil drilling off Florida. But Edwards' agenda is much more rounded. She talks more convincingly about protecting Social Security, controlling health care costs and meeting the needs of growth in the area.

Tudor, 47, retired from the Navy in 2008 as a master chief petty officer and now works for a defense contractor. The Hillsborough resident is an earnest, serious candidate. But Edwards has more experience and has lived in Florida far longer.

Edwards is credited for running a fine elections office and bringing the operation into the 21st century. Elections are more transparent in the county. Edwards has lived in Florida more than 40 years, and that sense of history means a lot in this three-county district, which includes part of eastern Hillsborough. In the Democratic primary for U.S. House District 12, the *Times* recommends Lori Edwards.

[Email this page](#)



# FEC FORM 3

## REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

FILING FEC-490049

Lori Edwards Campaign Committee

PO Box 280  
Eagle Lake, Florida 33839

State is Florida in District: 12

2. FEC Committee ID #: C00459776

3. This report IS an AMENDMENT

4. Report Type = PRE-PRIMARY

For election on 08/24/2010 in the State of Florida  
Filed 08/22/2010

SUMMARY PAGE

DETAILED SUMMARY PAGE

Schedule A Filings (ITEMIZED RECEIPTS)

Schedule B Filings (ITEMIZED DISBURSEMENTS)

Schedule D Filings (DEBTS AND OBLIGATIONS)

FORM TEXT

(End FEC FORM 3)

## SUMMARY PAGE

Of Receipts And Disbursements

<http://query.nictusa.com/cgi-bin/dcdev/forms/C00459776/490049/>



5. Covering Period 07/01/2010 Through 08/04/2010

	Column A This Period	Column B Election Cycle-To-Date
<b>6. Net Contributions (other than loans)</b>		
(a) Total Contributions (other than loans)	38439.90	345826.98
(b) Total Contribution Refunds	0.00	500.00
(c) Net Contributions (6(a) - 6(b))	38439.90	345326.98
<b>7. Net Operating Expenditures</b>		
(a) Total Operating Expenditures	39639.02	242764.21
(b) Total Offsets to Operating Expenditures	0.00	147.99
(c) Net Operating Expenditures	39639.02	242616.22
8. Cash on Hand at Close of Reporting Period	102510.76	
9. Debts and Obligations Owed TO the Committee	0.00	
Itemize all on SCHEDULE C or SCHEDULE D		
10. Debts and Obligations Owed BY the Committee	6100.00	
Itemize all on SCHEDULE C or SCHEDULE D		

Treasurer: Lori Edwards  
Date Signed: 08/22/2010

(End Summary Page, FEC FORM 3)

## DETAILED SUMMARY PAGE

### Of Receipts And Disbursements

	Column A This Period	Column B Election Cycle-To-Date	Column C Post-Election
<b>I. RECEIPTS</b>			
<b>11. Contributions (other than loans) From:</b>			
<b>(a) Individuals/Persons Other than Political Committees</b>			
(i) Itemized	8326.00		
(ii) Unitemized	2530.23		
(iii) Total Of Contributions From Individuals	10856.23	178194.97	0.00
(b) Political Party Committees	5083.67	5132.01	0.00
(c) Other Political Committees (such as PACS)	22500.00	156500.00	0.00
(d) The Candidate	0.00	6000.00	0.00
(e) Total Contributions (11(a)(iii) + (b) + (c))	38439.90	345826.98	0.00
12. Transfers From Other Authorized Committees	0.00	0.00	0.00
<b>13. Loans</b>			
(a) Made Or Guaranteed By The Candidate	0.00	0.00	0.00



(b) All Other Loans	0.00	0.00	0.00
(c) Total Loans ((a) + (b))	0.00	0.00	0.00
14. Offsets to Operating Expenditures (Refunds, Rebates, etc)	0.00	147.99	0.00
15. Other Receipts	0.00	0.00	0.00
16. Total Receipts (11(e) + 12 + 13(c) + 14 + 15)	38439.90	345974.97	0.00
<b>II. DISBURSEMENTS</b>			
17. Operating Expenditures	39639.02	242764.21	0.00
18. Transfers to Other Authorized Committees	0.00	0.00	0.00
19. Loan Repayments:			
(a) Of Loans Made or Guaranteed by the Candidate	0.00	0.00	0.00
(b) Of All Other Loans	0.00	0.00	0.00
(c) Total Loan Repayments ((a) + (b))	0.00	0.00	0.00
20. Refunds of Contributions To:			
(a) Individuals/Persons Other Than Political Committees	0.00	500.00	0.00
(b) Political Party Committees	0.00	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00	0.00
(d) Total Contribution Refunds (28(a) + (b) + (c))	0.00	500.00	0.00
21. Other Disbursements	0.00	200.00	0.00
22. Total Disbursements (17 + 18 + 19(c) + 20(d) + 21)	39639.02	243464.21	0.00
<b>III. CASH SUMMARY</b>			
23. Cash On Hand At Beginning Of Reporting Period	103709.88		
24. Total Receipts This Period (line 16)	38439.90	345974.97	0.00
25. Subtotal (23 + 24)	142149.78		
26. Total Disbursements This Period (line 22)	39639.02	243464.21	0.00
27. Cash On Hand At Close Of The Reporting Period (25 - 26)	102510.76		

(End Detailed Summary Page, FEC FORM 3)



Generated Tue Sep 14 12:01:26 2010



11044292351

## > SIGN UP NOW

Registering to vote or updating voter information is quick and easy. Just click here to download an application!

## A MESSAGE FROM LORI:



Thanks for the opportunity to serve as your Supervisor of Elections. It is a challenging position that is almost always fun! We don't think our job is done unless we're out and about in the community. Please contact us if you'd like our mobile registration van to visit an upcoming event, or if you would like us to attend a meeting to give a presentation or speech. If you're a teacher, you may want to check out our lesson plans and links. We are also happy to offer your class or group a tour of election headquarters so you can see what



## >> JOIN OUR TEAM!

More than 1,400 citizens in Polk County serve as



## >> FACTS AND FIGURES

View past election results, campaign financial reports, registration statistics, and query our database.

## ELECTION NEWS

**11/2/2010 | General Election November 2nd, 2010: Voter**

Registration Deadline: October 4th, 2010 ([read more](#))

## NOTEWORTHY:

**Seasonal Employment:** The Polk County Supervisor of Elections Office is now accepting applications for seasonal office employment. ([read more](#))

**Earn Extra Money!:** Election Workers earn extra ... ([read more](#))

**Request A Speaker!:** The Elections Office is committed to community service and voter

## COMMON TASKS:



[Register to Vote](#)



[Precinct Lookup](#)



[Vote by Mail](#)



[Voter Info Change](#)



[Printable Forms](#)



[Sample Ballot](#)

[Select a Subject Matter](#)

goes on behind the scenes.

education. One way that we accomplish this is through speeches and presentations to community organizations. (read more)

School Board District 6:

Recount Results

#### **New Residents**

**Welcome!:** Here is a great way to meet new people... (read more)

#### **Active Voter Statistics:**

Last Updated: 9/1/2010

*Democrat:* 134,675

*Republican:* 121,882

*NPA & Minor Parties:* 67,179

*Total:* 323,736

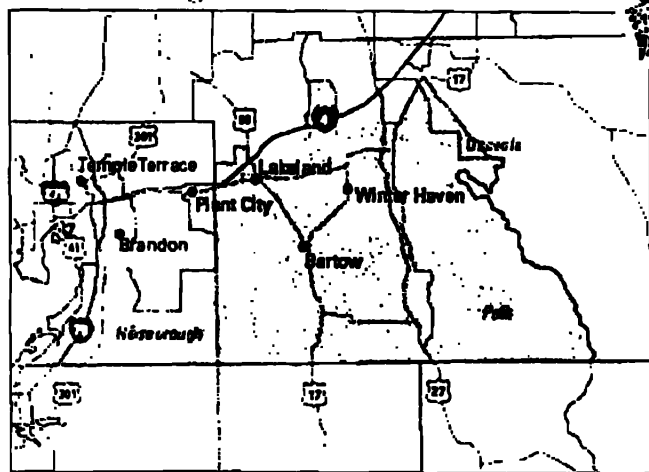
Disclaimer: The Polk County Supervisor of Elections cannot be held responsible for the content, accuracy or availability of any external sites linked from within these pages.

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p (863)534-5888 | f (863)534-5899 | info@polkelections.com

11044292352

# Congressional District 12



nationalatlas.gov

12 Congressional District

Pol. County



Florida: 25 Districts

0 20 40 Miles

11044292353

11044292354

**Michael S. Craig**  
County Attorney

**Linda L. McKinley**  
Deputy County Attorney

**Anne T. Gibson**  
Senior Assistant County Attorney

**Michael E. Duclos**  
**Geraldine N.S. Hicks**  
**Randy M. Mink**  
**Philip N. Sherwin**  
**Ellis F. Watson**  
Assistant County Attorneys



330 West Church Street (33830)  
Drawer A10-1  
Post Office Box 9005  
Bartow, Florida 33831-9005  
Tel: (863) 534-6730  
Fax: (863) 534-7654  
www.polk-county.net

*Board of County Commissioners*  
*Office of the County Attorney*

## MEMORANDUM

**DATE** : November 5, 2008

**TO** : Polk County Board of County Commissioners

**COPIES** : Michael Herr, County Manager; Richard M. Weiss, Clerk of the Board; Marie Kessler, Deputy Clerk; Ed Wolfe, Director of IT; Cindy Rodriguez, Director of Communications

**FROM** : Michael Craig, County Attorney

**SUBJECT** : POLK COUNTY CHARTER, AS AMENDED 11/4/08

---

Attached you will find a copy of the Polk County Charter, As Amended on 11/4/08. As you are all aware, the voters took the following actions in referenda held to consider proposed Charter amendments and a proposed Property Tax Exemption:

1. Amendment 1: APPROVED BY 80% OF ELECTORS

§8.3.3 of the Charter is amended to now provide that all proposed amendments to Polk County's Charter "shall be placed on the ballot at the next general election occurring at least sixty (60) days after the Charter amendment is proposed or validated".

2. **Amendment 2:**      **APPROVED BY 78% OF ELECTORS**

§8.3.3 of the Charter is amended to now provide that all proposed amendments to Polk County's Charter must be approved by "at least sixty percent (60%) of electors voting in said election".

3. **Amendment 3:**      **APPROVED BY 77% OF ELECTORS**

§6.1.2 of the Charter is amended to require that Ordinances proposed by initiative must be approved by "at least sixty per cent (60%) of electors voting in said election".

4. **Amendment 4:**      **APPROVED BY 76% OF ELECTORS**

§8.7 is added to the Polk County Charter to require that "all County referenda required by the Charter or by general law prior to levying local option sales taxes to be conducted at a general election occurring at least sixty (60) days after the referendum is called for".

5. **County Property Tax Exemption:** **FAILED**

**POLK COUNTY  
CHARTER  
AS AMENDED  
November 4, 2008**

## **PREAMBLE**

***THE PEOPLE OF POLK COUNTY, FLORIDA, by the grace of God free and independent, in order to attain greater self-determination, to exercise more control over our own destiny, to create a more responsible and effective government, and to guarantee constitutional rights to all equally, do hereby ordain and establish this Home Rule Charter as our form of government for Polk County.***

## **ARTICLE 1**

### **CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER GOVERNMENT**

#### **1.1 Creation and general powers of home rule charter government**

***Polk County shall be a home rule charter county, and, except as may be limited by this Home Rule Charter, shall have all powers of self-government granted now or hereafter by the Constitution and laws of the State of Florida.***

#### **1.2 Body corporate, name and boundaries**

***Polk County shall be a body corporate and politic. The corporate name shall be Polk County. The county seat and boundaries shall be those designated by law on the effective date of this Charter.***

#### **1.3 Construction**

***The powers granted by this Home Rule Charter shall be construed broadly in favor of the charter government. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific power of the government, as stated in this article. It is the intent of this article to grant to the charter government full power and authority to exercise all governmental powers necessary for the effective operation and conduct of the affairs of the charter government.***

#### **1.4 Special powers and duties of county**

***1.4.1 County purposes. The county, operating under this Charter, shall have all special powers and duties which are not inconsistent with this Charter,***



heretofore granted by law to the Board of County Commissioners, and shall have such additional county and municipal powers as may be required to fulfill the intent of this Charter.

**1.4.2 Municipal purposes.** The county shall have all necessary powers to accomplish municipal purposes within special districts. Property situated within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents not within municipal boundaries, nor shall property situated in the county be subject to taxation for services provided by the county exclusively for the benefit of the property or residents within municipal boundaries. To this end, the Board of County Commissioners may by ordinance create districts for the purpose of levying ad valorem taxes and special assessments to pay for the furnishing of municipal services, and the tax imposed shall be within the limits of millage set for municipal purposes. Should such services be furnished within a municipality, the total millage levied by the municipality and the county district levy for this municipal purposes shall not exceed the maximum millage set by law for municipal purposes.

#### **1.5 Transfer of powers**

Whenever a municipality, special district or agency shall request the performance or transfer of a function to the county, the county shall have the power and authority to assume and perform such functions and obligations. This section does not authorize a transfer in violation of Article VIII, '4 of the Constitution of Florida.

#### **1.6 Division of powers**

This Charter hereby establishes the separation between legislative and administrative functions of this government. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners and the execution of that policy shall be the responsibility of the County Manager.

#### **1.7 Relation to state law**

The provisions of this Charter are not intended, and shall not be construed, to conflict with the Constitution of the State of Florida, general law, or special law approved by vote of the electorate.

### **1.8 Relation to municipal ordinances**

*Except as otherwise provided by law or this Charter, municipal ordinances shall prevail over County ordinances to the extent of any conflict. To the extent that a county ordinance and a municipal ordinance shall cover the same subject without conflict, then both the municipal ordinance and the county ordinance shall be effective, each being deemed supplemental to the other.*

## **ARTICLE 2**

### **Legislative Branch: Board of County Commissioners**

#### **2.1 Composition**

*There shall be five county commissioners' districts in Polk County, which shall be numbered one to five, inclusive, and shall be as nearly equal in proportion to population as possible. There shall be one county commissioner for each of such districts, who shall be elected by the qualified voters of the county.*

#### **2.2 Redistricting**

*In the first odd-numbered year after each decennial census, the Board of County Commissioners shall divide the county into districts of contiguous territory, following the existing boundaries of municipalities where possible and as nearly equal in population as possible. The Board of County Commissioners may redivide the districts in any other odd-numbered year. Whenever the boundaries of existing county commissioners' districts are changed by the Board of County Commissioners, it shall cause an accurate description of the boundaries of such districts, as changed, to be entered upon its minutes and a certified copy thereof to be published once each week for four (4) consecutive weeks in a newspaper published in the county. Proof of such publication shall be entered on the minutes of the Board of County Commissioners. The publication of such copy shall be for information only and shall not be jurisdictional.*

### **2.3 Qualifications**

*County commissioners shall be qualified electors of the county. Commissioners shall reside one in each of the commission districts. Candidates shall reside in their respective districts at the time of qualifying to run, or at the time of appointment to any vacancy. Any commissioner who shall remove his or her residency from the district for which he or she is elected shall thereupon become disqualified to represent said district and the office of any such commissioner shall be deemed vacant, except that any commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office. No person may appear on the ballot for re-election to the office of Commissioner to the Polk County Board of County Commissioners if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) as a Commissioner for eight (8) consecutive years.*

*This Amendment shall take effect on the date it is approved by the electorate, but no service in a term of office which commenced prior to the effective date of this amendment will be credited against the eight (8) consecutive years term limitation.*

### **2.4 Terms of office**

*Each commissioner shall be elected for a term of four (4) years, beginning on the second Tuesday after election, and continuing after such term until his or her successor is elected and qualified. Terms shall be staggered so that one more or one less than half of the commissioners elected from residence areas are elected every two years.*

### **2.5 Salary and other compensation**

*The yearly salary and other compensation of Commissioners serving on the Board of County Commissioners shall be \$33,500 effective with the Commission term of office beginning in November, 2000. The Board of County Commissioners may amend the salary established in this Charter by ordinance, which requires, for passage, the unanimous vote of the members of the entire Board of County Commissioners. Any increase shall not exceed the average percentage increase in the salaries of county employees for the fiscal year just concluded, or the percentage change in the U.S. consumer price index for the previous year, whichever is less. Any*

*salary increase shall not be effective until the first day of January in the year following the adoption of the increase.*

*Section 2.5 as amended, shall apply to all commissioners elected on or after the date the amendment is approved by the electors.*

## **2.6 Vacancies and suspensions**

*Vacancies in any county commissioner's office or other elected county office shall be filled in accordance with the Constitution and general laws of Florida. Commissioners and other elected officers may be suspended from office in accordance with the Constitution and general laws of Florida.*

## **2.7 Meetings**

*The organizational meeting of the Board of County Commissioners shall be held on the third Tuesday following the first Monday in November of each year.*

*The Board of County Commissioners shall provide by resolution for the location, time and place for holding all regular meetings of the Board of County Commissioners. At its organizational meeting the Board of County Commissioners shall elect a chairman and vice-chairman by majority vote to serve for a period of one (1) year, and shall each year thereafter elect from its membership a chair and a vice-chair, who may succeed themselves.*

*2.7.1 Special meetings. Special meetings may be held on call of the chairman or two (2) or more commissioners. Upon call for a special meeting, the County Manager shall give adequate public notice of the time, place, and purpose of the meeting in accordance with the procedures established in the administrative code. Action by the Board of County Commissioners at a special meeting shall be limited to the purpose for which the special meeting was called.*

*2.7.2 Location of meetings. The Board of County Commissioners shall meet at the county seat except that it may determine by resolution, from time to time, the place or places within the county at which the Board of County Commissioners shall meet for the purpose of conducting its business, provided that the notice of the time and place shall be published in a newspaper of general circulation in the county at least*

one (1) week prior to the holding of any such meeting outside the county seat. Such notice shall contain an agenda of all matters to be acted upon.

## **2.8 Powers**

*The Board of County Commissioners shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and laws of Florida, provided that such powers shall be exercised in a manner consistent with this Charter. The Board of County Commissioners, in addition to the powers and duties provided in the Charter, shall have the specific powers and duties to:*

*(1) Appoint and reappoint the County Manager by a vote of a majority of the entire Commission, and remove the County Manager during a contract term by a majority vote at each of two successive regular meetings.*

*(2) Adopt such ordinances as may be necessary to carry out both county and municipal powers and purposes.*

*(3) Review the budgetary requests including salaries and make the final budgetary determinations and appropriations for all county governmental operations including but not limited to county management, all administrative departments of the government, adjustment boards and special authorities and tax districts which request a portion of the millage levied for county purposes under the Constitution of Florida or such other millage as may be levied by the county for municipal service districts, excepting the school system.*

*(4) Adopt by a two-thirds vote of the full Board of County Commissioners such rules of parliamentary procedures as shall be necessary for the orderly transaction of the business of the Board of County Commissioners.*

*(5) Designate which officers and employees shall be bonded and fix the amount and approve the form of the bond.*

*(6) Exercise any power of the County not lodged in any other office by this Charter.*

## **2.9 Legislative procedures**

*The Board of County Commissioners may take official action only by the adoption of ordinances, resolutions or motions. Except as otherwise provided by this Charter, all ordinances, resolutions or motions shall be adopted by majority vote in accordance with the provisions of the Constitution and laws of Florida. A majority of the full Board of County Commissioners shall constitute a quorum and an absolute majority shall be required to adopt, amend or repeal any ordinance. A majority of those present shall be required to adopt, amend or repeal a resolution or motion under the terms of this provision. All commissioners in attendance, including the chairman or presiding officer, shall vote on all Board of County Commissioners actions except when prevented from doing so by a provision of general law.*

## **2.10 Code of ordinances**

*The Board of County Commissioners shall provide for the authentication and recording in full, in a properly indexed book kept for the purpose, of all minutes of meetings, ordinances and resolutions adopted by the Board of County Commissioners and the same shall, at all times, be a public record. The Board of County Commissioners shall further maintain a current codification of all ordinances. Such codification shall be published and made available for distribution on a continuing basis.*

### **ARTICLE 3**

#### **Administrative Branch: County Manager**

### **3.1 County Manager: qualifications**

*There shall be a County Manager who shall be appointed by the Board of County Commissioners and who shall serve at the pleasure of the Board of County Commissioners. The County Manager shall be chosen on the basis of his or her professional training, executive and administrative experience and qualifications. The manager shall maintain residency within the county during the tenure of office and shall not engage in any other business or occupation without the express approval of the Board of County Commissioners.*

### **3.2 Compensation and terms of employment**

*The Board of County Commissioners shall establish the salary for the County Manager at a level which is commensurate with the requirements of the position and shall at least annually review the performance and salary. Terms and conditions of compensation and employment shall be set forth in a contract.*

### **3.3 Powers and duties**

*The County Manager shall be head of the administrative branch of county government, and shall be responsible to the Board of County Commissioners for the proper administration of all affairs of the county. The County Manager shall attend all regular and special meetings of the Board and shall have the right to participate in its discussions.*

### **3.4 Non-interference by Board of County Commissioners**

*Except for the purpose of inquiry and information, members of the Board of County Commissioners are expressly prohibited from interfering with the performance of the duties of any employee of the county government who is under the direct or indirect supervision of the County Manager. Such action shall be malfeasance within the meaning of Article IV, Section 7(a) of the Florida Constitution.*

### **3.5 Temporary absence or incapacity**

*The Board of County Commissioners may appoint an acting manager in the case of vacancy or temporary absence or disability of the County Manager, until a successor has been appointed and qualified or until the County Manager returns.*

## **ARTICLE 4**

### **Administrative Departments**

#### **4.1 Initial departments**

*The following initial departments are hereby established for the charter government:*

- (1) Those departments existing upon adoption of this Charter.*

#### **4.2 Department directors and executive service personnel**

*The director of each department shall be the principal officer of the department. Directors and executive service employees of departments shall be appointed by the County Manager, subject to confirmation by a majority vote of the Board of County Commissioners, and shall serve at the pleasure of the County Manager. The County Manager shall have the right to discharge any department head or executive service employee, with or without cause.*

#### **4.3 County attorney/department of legal services**

*There shall be a department of legal services directed by an attorney appointed by the Board of County Commissioners. The county attorney shall be responsible to the Board of County Commissioners, and may be discharged by the Board by a majority vote. The Board shall have the power and authority to acquire other necessary legal services to carry out the duties and responsibilities of county government.*

### **ARTICLE 5** **County Constitutional Officers**

#### **5.1 County constitutional officers**

*The constitutional offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court, and Supervisor of Elections shall remain as elected constitutional officers, and their powers, duties and functions will not be altered by this Home Rule Charter. The constitutional officers shall perform their executive and administrative functions as specified by law.*

#### **5.2 Non-partisan election**

**5.2.1 Non-partisan offices.** *Commencing with the primary and general elections in the year 2004, the offices of Clerk of Circuit Court, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector shall be nonpartisan.*



**5.2.2 Non-partisan election procedures.** *If three or more candidates, neither of whom is a write-in candidate, qualify for such office, the names of those candidates shall be placed on a non-partisan ballot at the first primary election. If no candidate for such office receives a majority of the votes cast for such office in the first primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot.*

**5.2.3 Qualification by petition.** *A candidate for non-partisan office may qualify for election to such office by means of the petitioning process provided in general law.*

**5.2.4 Other provisions.** *In all respects not expressly provided in this charter, non-partisan elections shall be governed by the procedures set forth in general law for non-partisan judicial elections; provided that nothing therein shall impair the constitutional rights of candidates to freedom of expression and association.*

**5.2.5 Preservation of constitutional offices.** *If any provision in this Section 5.2 shall impair the status of the office as a constitutional county office, this section shall have no force and effect.*

## **ARTICLE 6**

### ***Powers Reserved to the People: Initiative and Recall***

#### **6.1 Initiative**

*The electors of Polk County shall have the right to initiate county ordinances in order to establish new legislation that is not in conflict with the State Constitution, general law or this Charter, and to amend or repeal existing ordinances when such amendments or repeal are not in conflict with the State Constitution or general law, upon petition signed by a number at least equal to six percent of electors qualified to vote in the last preceding general election; provided that the number shall contain at least six percent of the qualified electors in each commission election district.*

**6.1.1 Procedure for petition.** *The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of a proposed ordinance to the Supervisor of*

*Elections, with the proposed ballot summary and the form on which signatures will be affixed and obtain a dated receipt therefor. Any such ordinance shall embrace but one subject, and matter directly connected therewith. The sponsor shall cause a notice of such submission to be published within fourteen days thereof in a newspaper of general circulation in the County. The allowable period for obtaining signatures on the petition shall be completed not later than one year after initial receipt of the petition by the Supervisor of Elections. The sponsor shall comply with all requirements of general law for political committees, and shall file quarterly reports with the Supervisor of Elections stating, to the best of the sponsor's information and belief, the number of signatures procured. The time and form of such reports may be prescribed by ordinance. When a sufficient number of signatures is obtained, the sponsor shall thereupon submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees required by general law. The Supervisor of Elections shall, within sixty (60) days after submission, verify the signatures thereon, or specify a reason for the invalidity of each rejected signature if the petition is rejected for insufficiency of the number of valid signatures. If the petition is rejected for insufficiency of the number of signatures, the sponsor shall have an additional thirty (30) days within which to submit additional signatures for verification. The Supervisor of Elections shall, within thirty (30) days verify the additional signatures. In the event sufficient signatures are still not acquired, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition.*

**Section 11.1.2      Consideration by Board of County Commissioners**

*Within sixty (60) days after the requisite number of names has been verified by the Supervisor of Elections and reported to the board of County Commissioners, the board of County Commissioners shall give notice and hold a public hearing on the proposed ordinance according to law and vote on it. If the board fails to enact the proposed ordinance, it shall, by resolution, call a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least forty-five (45) days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by at least sixty per cent (60%) of electors voting in said election, the proposed ordinance shall be declared by resolution of the Board of County Commissioners to be enacted and shall become effective on the date specified in the ordinance, or if not so specified, on January 1 of the succeeding year. The Board of County Commissioners shall not amend or repeal an ordinance adopted by initiative prior to the next succeeding*

general election, without approval of a majority of the electors voting at a referendum called for that purpose.

**6.1.2 Limitation on ordinances by initiative** The power to enact, amend or repeal an ordinance or amend this Charter by initiative shall not include ordinances or provisions relating to the county budget, debt obligations, capital improvement programs, salaries of county officers and employees, the assessment or collection of taxes, or the rezoning of land.

## **6.2 Recall**

The County Commissioners shall be subject to recall as provided by general law. Any elected constitutional county officer may be recalled in the manner provided by general law for removal of a county commissioner of a charter county. A successor to the unexpired term of office of any recalled commissioner or elected constitutional county officer shall be elected in the manner provided by general law for filling of vacancies in office after recall in charter counties. If the provision for recall of elected constitutional county officers causes such officers to lose their constitutional status, this provision shall not apply to such officers.

## **6.3 Public participation and inclusion**

When appointments to all of the County's boards and committees are taken as a whole, the Board of County Commissioners should endeavor to include citizens from all segments of society in the County, reflecting the differing viewpoints, gender, age, life experiences, geography, professions, races and ethnic backgrounds of the citizens of the County. Nevertheless each individual appointment shall be based on the competence, expertise and merit of the appointee, and nothing in this section shall give any person standing to enforce this provision or to contest any appointment.

# **ARTICLE 7**

## **Special Districts and Authorities**

As provided in Article VIII, '1(g) and '6 of the State Constitution, the Board of County Commissioners may by ordinance amend or repeal any local or special act of the Legislature applicable solely to the unincorporated area of the County.

**ARTICLE 8**  
**Miscellaneous Provisions**

**8.1 Effective date**

*This Charter shall become law when approved by a majority of those electors voting on the matter in a referendum to be held in the county in November 1998 under the provisions of the Constitution and laws of Florida. The Charter Government shall assume all powers and duties provided by this Charter on the first day of January 1999, the effective date of this Charter.*

**8.2 Transition**

**8.2.1 Continuation of laws, ordinances and contracts.** *Unless expressly provided otherwise in this Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Polk County; the validity of any of its laws, ordinances, regulations, and resolutions; or the term of office of any elected county officer, whose term shall continue as if this Charter had not been adopted.*

**8.2.2 Initial county commissioners.** *The persons comprising the Polk County Board of County Commissioners on the effective date of this Charter shall become the initial members of the Board of County Commissioners of the charter government and shall perform the functions thereof until the expiration of their terms or until qualification of their successors as provided by law.*

**8.2.3 Initial County Manager and attorney.** *The County Administrator and County Attorney employed on the effective date of this Charter shall serve as the County Manager and County Attorney respectively, subject to termination and replacement as provided herein.*

**8.2.4 Employee continuation** *All employees of the former county government shall on the effective date of this Charter become employees of the county government created by this Charter. All existing wages, benefits, collective bargaining certifications and agreements, contracts and conditions of employment shall continue, until modified by lawful action of the Board of County Commissioners.*

**8.2.5 Continuation of agencies and advisory bodies.** All existing appointments or designations of non-governmental agencies or corporations to act as official agencies of the County shall remain in full force and effect in accordance with their original terms, until amended or terminated by the Board of County Commissioners in accordance with the terms of such appointment and the provisions of this Charter. All members of advisory boards, resource groups or committees appointed for terms expiring after the effective date of this Charter shall continue to serve their terms without necessity of reappointment under this Charter.

**8.2.6 Outstanding bonds.** All bonds, revenue certificates, and other financial obligations of the county outstanding on the effective date of this Charter shall be obligations of the charter government. All actions taken by the former government relating to the issuance of such obligations are hereby ratified and confirmed. Payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this Charter not taken effect.

### **8.3 Charter amendment**

**8.3.1 Amendment by Board of County Commissioners.** The Board of County Commissioners, upon the concurrence of a majority plus one of the entire number of members, shall have the authority to propose by ordinance amendments to this Charter not inconsistent with the State Constitution or with general law.

**8.3.2 Amendment by petition.** Amendments to this Charter, not inconsistent with the State Constitution or with general law, may be proposed by a petition signed by at least seven per cent of the qualified electors from each county commission district, provided that any such amendment shall embrace but one subject and matter directly connected therewith. The sponsor of an amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the proposed ballot summary and the form on which signatures will be affixed. The procedures for initiative petitions set forth in Section 6.1.1 of this Charter shall thereafter be followed. The power to amend this Charter by initiative shall not extend to budgets, debt obligations, capital improvement programs, salaries of non-elected county officers and employees, the assessment or collection of taxes, or the rezoning of land.

**8.3.3 Amendment referendum** The Board of County Commissioners shall cause any Charter amendment proposed under Section 8.3.1 or 8.3.2 to be submitted to the electors for their approval. The question shall be placed on the ballot at the next general election occurring at least sixty (60) days after the Charter amendment is proposed or validated. Notice of said referendum, together with the language of the proposed amendment, shall be published at least twice in a newspaper of general circulation in the county, at intervals of at least seven (7) days, but not less than five (5) nor more than thirty (30) days prior to the referendum. Passage of proposed amendments shall require approval of at least sixty percent (60%) of electors voting in said election.

**8.4 Charter review.** Not later than July 1 of the year 2001 and of every eighth year thereafter, the Board of County Commissioners shall appoint a Charter Review Commission to review the Charter of the county. The Chair of the Board of County Commissioners shall appoint three members of the Charter Review Commission, and each other member of the Board of County Commissioners shall appoint two members of the Charter Review Commission. The county constitutional officers, by majority vote, shall appoint two members. No elected official may serve on the Charter Review Commission. Upon the death, resignation or removal of any member of the Charter Review Commission, the County Commissioner who made that appointment, or the majority of county constitutional officers who made that appointment shall appoint a successor. The commission shall be funded by the Board of County Commissioners and shall be known as the Apolka County Charter Review Commission. It shall, within one (1) year from the date of its first meeting, present to the Board of County Commissioners, its recommendations for amendment or revision of the Charter or its recommendation that no amendment or revision is appropriate. If amendment or revision is to be recommended, the Charter Commission shall conduct three (3) public hearings, at intervals of not less than ten (10) days, immediately prior to the transmittal of its recommendations to the Board of County Commissioners. The Board of County Commissioners shall schedule a referendum on the proposed charter amendments or revisions concurrent with the next general election. The Charter Review Commission may remain in existence until the general election for purposes of conducting and supervising education and information on the proposed amendments or revisions. Appointments to the Charter Review Commission should reflect the standards set forth in Section 6.3 of this Charter.

## **8.5 Severability and validity**

*If any part of this Charter is held invalid or unconstitutional, the remainder thereof shall remain in full force and effect.*

## **8.6 Polk County Efficiency Commission**

*Not later than January 31 of 2005 and of every eighth year thereafter, there shall be appointed a Polk County Efficiency Commission.*

**8.6.1 Method of appointment.** *Following the organizational meetings of the Board of County Commissioners and of the School Board after the general election of 2004 and each eighth year thereafter, the Chair of the Board of County Commissioners shall convene a nominating committee consisting of the Chair, the Chair of the School Board, a county constitutional officer selected by a majority of the elected county constitutional officers, two elected Polk County municipal officials selected by the Ridge League of Cities, two persons selected by the Polk Association of Chamber Executives, and one person selected by the League of Women Voters of Polk County. Should any non-governmental organization named in this subsection cease to exist or fail to make a selection, a majority of the remaining members of the nominating committee may designate a successor organization of similar interests to select the necessary member of the nominating committee. Any vacancy in the nominating committee shall be filled in the same manner as the original selection. The nominating committee, having due regard for the principles of Section 6.3 of this Charter and the duties of the Polk County Efficiency Commission, shall by majority of its whole number appoint not less than 17 nor more than 25 members of the Efficiency Commission, and shall thereupon be dissolved. In the event of the death, resignation, removal of residence from Polk County, or permanent disqualification or inability to serve of any member of the Efficiency Commission, a majority of the remaining members of the Efficiency Commission shall appoint a successor member.*

**8.6.2 Qualifications of members.** *Each member of the Polk County Efficiency Commission shall be a resident of and shall be registered as a voter in Polk County, and shall not be an elected official or employee of any governmental unit within Polk County.*

**8.6.3 Duties of members and other officers.** *The Polk County Efficiency Commission shall elect a chair and, by majority of its whole number, adopt and amend*

*its rules of procedure. The Board of County Commissioners, in accordance with Section 2.8 of this Charter, shall provide necessary funds for the work of the Commission, including but not limited to provision for the employment of an executive director. The Efficiency Commission shall conduct a comprehensive study of government in Polk County, including but not limited to the organization, structure, effectiveness and efficiency of any board, officer, authority, agency, division, department or other unit of government included within the budget approved by the Board of County Commissioners. The study shall include an examination and analysis of the most effective and cost-efficient means of delivery of services to all of the citizens of the County in a responsible and effective manner, and may include consideration of private delivery of services and ways in which to coordinate effective and efficient delivery of services by, between and among governmental units, including municipalities and the School District. The Commission shall also study the mission, goals and objectives of the selected governmental units. This study shall examine whether the mission, goals and objectives of the governmental units are adequately measured for performance and outcomes using unbiased techniques; are communicated to the citizens of Polk County; and are consistent with public expectations. All offices and departments of the Board of County Commissioners, and all other public officers and governmental units within the County, are directed to provide information and cooperation to the Efficiency Commission as may be necessary to the successful discharge of its duties. Requests for information made by the Efficiency Commission shall be submitted to the chief administrative officer of the governmental unit.*

**8.6.4 Reports of Commission and required responses.** *The Efficiency Commission, after one or more public hearings, shall complete and deliver to the Board of County Commissioners, the School Board of Polk County, each municipal government within Polk County, and to any other public officer or governmental body substantially addressed or affected thereby:*

*(1) a report containing its interim recommendations, on or before January 31 of the year following appointment of the Efficiency Commission. This requirement shall not prevent other or more frequent interim recommendations.*

*(2) a report containing its final recommendations, on or before January 31 of the second year following appointment of the Efficiency Commission.*

*(3) any recommendations for amendment of the Polk County Charter. Such recommendations may be immediately considered by the Board of County*



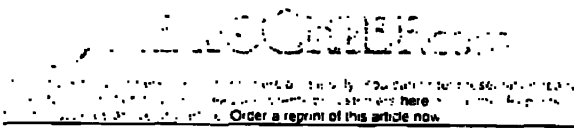
*Commissioners for proposal to the electors in accordance with Section 8.3.1 of this Charter, at the next otherwise scheduled election occurring more than 60 days thereafter. Any recommendations for charter amendment which the Board of County Commissioners has failed to propose to the electors shall be submitted by the Board of County Commissioners to the next regularly appointed Charter Review Commission for its consideration.*

*After the delivery of the final report, the Polk County Efficiency Commission shall be dissolved. Not later than twelve months after the delivery of each report of the Efficiency Commission, the County Manager shall deliver to each designated recipient of that report a compliance report showing actions taken or refused by any affected officer, board, department or governmental unit with respect to each of the Efficiency Commission's recommendations.*

#### ***Section 8.7 Referenda to be held at General Elections***

*Any referenda required by this Charter, and any referenda required by general law before local option sales taxes may be levied pursuant to Section 212.055, Florida Statutes, must be submitted to the electors at the next general election occurring at least sixty (60) days after the referendum is called for.*

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## Ross campaign cries foul over Edwards' ad

### Candidate questions intent; elections head defends spot

By Tim Conklin  
News Chief correspondent

Published: Wednesday, August 18, 2010 at 4:01 a.m.

WINTER HAVEN - The hotly contested race for outgoing U.S. Rep. Adam Putnam's 12th District seat in the U.S. House of Representatives gained some additional heat this week, as leading Democratic candidate Lori Edwards has come under fire from Republican front-runner Dennis Ross and the Polk County Republican Executive Committee for appearing in a series of television and radio ads to educate voters about Tuesday's primary elections in her capacity as Polk County Supervisor of Elections.

Go to [www.newschief.com/ledwardsad](http://www.newschief.com/ledwardsad) to download a wmv file of the ad.

The ads, which began running Aug. 11, are designed to inform citizens of their voting options, including early and absentee voting. The series of two TV ads and three radio ads are scheduled to run through Tuesday. In each, Edwards is featured and identified as the county's supervisor of elections.

And that, Ross campaign manager Fredrick Piccolo Jr. said, constitutes the use of taxpayer money to promote Edwards, who is running in the Democratic primary against Doug Tudor.

"The questions raised are many," Piccolo said Monday, "but our questions are, one, are the taxpayers paying for this; two, if so, has she done this in the past; and three, even if she has done this in the past, she wasn't a candidate for Congress before, and this just seems improper."

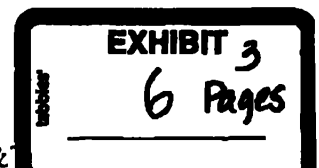
Ross, who faces John W. Lindsey Jr. in the Republican primary, said Tuesday that the ads are "self-promoting."

"The issue is, is it fair to the voters to use taxpayer dollars to promote yourself," Ross said. "If it is taxpayer dollars, I would argue that she needs to reimburse the taxpayers."

Edwards said Monday that the ads are designed solely to educate Polk County citizens of their voting options, and that her office has been running such ads during every election cycle since 2002.

"I'm required to help educate voters and let them know every opportunity they have to cast ballots," Edwards said. "That's my job."

When asked if that job necessitated that she appear in the ads in question, Edwards said. "Not specifically."



"As supervisor of elections, I am chartered by the constitution and I follow state election laws," Edwards added. "Were the Federal Election Commission to say something, of course I would take that seriously."

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Piccolo said Tuesday that the Ross campaign plans to file a complaint about the ads with the Federal Election Commission shortly.

"We're waiting to see what the supervisor of elections offices releases in terms of the costs of this," he said.

The ads also prompted Gene Roberts, chairman of the Polk County Republican Executive Committee, to send Edwards a letter Monday requesting that she take a leave of absence from her post for the remainder of her campaign.

"There is an obvious conflict of interest when you are in charge of counting votes for your competitors as well as running for that seat," Roberts stated in the letter, which was obtained by the News Chief from Piccolo. "In addition, you are currently running television advertisements for the Supervisor of Elections office to promote voting, when in fact the tax payers are paying for your first time endeavor into television ads.

"A few years ago, (Polk County) Sheriff Grady Judd was required to stop his television ads promoting the Sheriff's Dept. while he ran for re-election," Roberts added.

Attempts to reach Roberts Tuesday for comment about the letter were unsuccessful.

Edwards announced that she would take a leave of absence as elections supervisor last year, but later retracted that statement, saying that the post would not allow for a leave of absence, and that her options were restricted to either continuing in the post or resigning.

Edwards said continuing as supervisor of elections did not represent a conflict of interest, and that the complaints of the Ross campaign and Roberts are "transparently politically motivated."

"There's no surprise here that the Ross campaign is starting to sling mud," she said, "and I'm sure we'll see lots of it between now and November."

As for her own motivations, Edwards reiterated that the sole purpose of the ads is to educate voters.

"It is a routine part of our election cycles," Edwards said. "I'm just doing what we've always done. It's part of our voter education efforts, so that people are aware of their opportunities to vote."

Ross said that he has no issue with the ads, only with Edwards' appearance in them.

"I think public service announcements are absolutely necessary," Ross said. "I have no problem with (them), and that office has every obligation to inform the voters. But the timing and image of this are a little suspect."

Ross also questioned why someone else within the elections office was not tasked with handling this year's ads.

"She's got an incredibly good staff, great people that work there," Ross said. "Not only did she not take a leave of absence, but she's put herself prominently in these

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ads."

This is not the first time that Ross and Edwards have taken issue with each other's campaigns. In June, Edwards criticized Ross for accepting \$2,000 from U.S. Rep. Joe Barton's (R-Texas) Texas Freedom Fund political action committee.

Barton drew national criticism in June from both Democrats and Republicans for his apology to BP CEO Tony Hayward for what he described as a "shakedown" by the Obama administration during a congressional subcommittee hearing on the Gulf Coast oil spill.

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August 17, 2010

Lori Edwards enjoying an unfair edge in CD 12  
race, critics sayPolk County Supervisor of Elections  
Lori Edwards is facing  
accusations she is using her office  
to help her run for Congress.The Democrat has started a get-  
out-the vote effort that includes TV  
and radio ads featuring her  
likeness and the use of vans and

SUVs such as the one pictured.

"We've been doing it for years," Judy Walker, director of community  
services for the elections office, told the *St. Petersburg Times*.But this is no ordinary year. Edwards has mounted a strong claim to  
the 12th District seat now held by the GOP. So Republicans are a  
little more than suspicious. On Monday, the county chairman wrote a  
letter to Edwards asserting she has a conflict of interest and should  
take a leave of absence.

The campaign of Republican Dennis Ross is also raising questions.

Readers in the Tampa Bay will recall a similar controversy involving  
then-Hillsborough County elections supervisor **Buddy Johnson**. In  
2008, he spent hundreds of thousands in taxpayer money for voter  
education material that many thought were nothing more than ads  
for his re-election."Everything about these things revolve around Buddy Johnson  
desperately, frantically trying to win this election by really  
misguiding the public at our expense," opponent (and winner) Phyllis  
Busansky said at the time. She died in June 2009.A spokesman for Edwards' campaign said there was absolutely no  
coordination between her official duties and the campaign.**UPDATE:** Edwards, in an interview, said the TV/radio spots cost a  
combined \$14,500. She said she has no plans to recuse herself,  
saying Florida law ensures against conflicts by requiring elections  
supervisors to step off canvassing boards."It's transparently politically motivated," Edwards said of the  
criticism.Posted by Alex Leary at 01:36:05 AM on August 17, 2010  
in Alex Leary's Elections | Comments

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